INDEX TO APPENDIX

	Page
Supreme Court Admiralty Rule 46½	35
Federal Rule of Civil Procedure, No. 52	35
Admiralty Rule XLII, of Eastern District of New York	35
Admiralty Rule 43, of Northern and Southern Districts of New York	35
Admiralty Rule XX, of Western District of New York	36
Admiralty Rule 14, of Eastern District of Virginia	36
Admiralty Rule 27, of Northern and Southern Districts of Florida	36
Admiralty Rule 7a, of District Court, Canal Zone	36
Admiralty Rule 30, of Western District of Kentucky	37
Admiralty Rule 42, of Northern District of California	77

APPENDIX

FROM SUPREME COURT ADMIRALTY RULES

Rule 46½. Findings of Fact and Conclusions of Law.

In deciding cases of admiralty and maritime jurisdiction the court of first instance shall find the facts specially and state separately its conclusions of law thereon; and its findings and conclusions shall be entered by the clerk in the record which is certified to the appellate court under rule 49. Added June 2, 1930, Eff. Oct. 1, 1930.

FEDERAL RULES OF CIVIL PROCEDURE

Rule 52. Findings by the Court.

(a) Effect. In all actions tried upon the facts without a jury, the court shall find the facts specially and state separately its conclusions of law thereon and direct the entry of the appropriate judgment; (* * *) Requests for findings are not necessary for purposes of review. Findings of fact shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge of the credibility of the witnesses. (* * *)

Rule XLII. Proposed Findings of Fact and Conclusions of Law. (Eastern District of New York)

In any cause in admiralty the court may, in its discretion, require from either or both parties, either before or after the announcement of the court's decision, proposed findings of fact and conclusions of law, * * * and the court's adoption of or failure to adopt any part thereof as the findings of fact and conclusions of law shall not be subject to any exception. (Added July 1, 1931) Vol. 5. Benedict p. 131.

Rule 43. Statement of Facts and Conclusions of Law (Northern and Southern Districts of New York)

In any cause of admiralty the court may, in its discretion, require from either or both of the parties, whether before

or after announcement of the court's decision, a concise statement of the ultimate facts upon which such party relies and which he deems established by the evidence, arranged in orderly and logical sequence and without repetition, and also a concise statement of proposed conclusions of law. * * *" Vol. 5, Benedict p. 148.

Rule XX. Findings of Fact and Conclusions of Law. (Western District of New York)

In any civil cause tried by the court, without a jury, the court may, in its discretion, require from either or both parties, either before or after the announcement of its decision, proposed findings of fact and conclusions of law, but, unless adopted by the court, such proposed findings of fact and conclusions of law shall not form any part of the record. Vol. 5, Benedict p. 189.

Rule 14. Hearings—Proposed Findings and Conclusions. (Eastern District of Virginia)

When an admiralty cause is submitted to the court on final hearing, counsel on each side shall file with the court proposed written findings of fact and conclusions of law which are deemed by such counsel to cover the issues in the case; and the court's findings and conclusions shall be entered of record. * * * Vol. 5, Benedict p. 342.

Rule 27. Findings of Fact. (Northern and Southern Districts of Florida)

When an admiralty case is submitted to the court on final hearing counsel on each side shall file with the court proposed written findings of fact and conclusions of law which are deemed by such counsel to cover the issues in the case. Vol. 5, Benedict p. 389.

Rule 7a. Findings of Fact and Conclusions of Law. (Canal Zone)

Upon the trial of a question of law by the court, unless findings of fact by the court have been waived by the parties, the court may direct a party to prepare findings of fact and

conclusions of law and file same in the office of the clerk of the court, together with all necessary copies, within 3 days after the decision; and shall also cause to be served upon all parties to the action a copy of the proposed findings of fact and conclusions of law, and any party objecting thereto may file within 5 days after service its objection with the court, and the court will designate a time to hear and determine the objection.

If no objection is made to the proposed findings of fact and conclusions of law as submitted, the court may adopt same as the court's or make any change which in his discretion the situation requires. * * * Vol. 5, Benedict p. 466.

Rule 30. Findings of Fact and Conclusions of Law. (Western District of Kentucky)

In compliance with General Admiralty Rule 46½, counsel shall submit proposed findings of fact and conclusions of Law (1930). Vol. 5, Benedict p. 509.

Rule 42. Findings—Conclusions. (Northern District of California)

"* * * Within five days after written notice of the opinion or memorandum order, the prevailing party shall prepare a draft of the findings of fact and the conclusions of law, and lodge them with the clerk, serving a copy thereof upon the adverse party, who may, within five days thereafter, lodge with the clerk and serve upon the adverse party such proposed amendments or additions as he may desire. If the prevailing party fails to lodge and serve such draft within five days, as herein provided, the adverse party may, within five days thereafter, prepare and lodge a draft, serving a copy on the prevailing party.

The findings of fact and conclusions of law shall thereafter be settled by them, and when so settled, shall be engrossed, and approved as provided in Rule 22, within five days thereafter, and shall be then signed by the judge and filed. Vol. 5, Benedict p. 577.